IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23968 of 2004

Between:

K. Anand, S/o. K.Pullanna,
R/o. 17-408, Indira Nagar, Dharmavaram, Anantapur District.

..... PETITIONER

AND

1 The Regional Transport Officer, Hindpur, Anantapur District.
2 The Motor Vehicle Inspector, Anantapur, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the Respondents in seizing and detaining the Petitioner's Light Motor Vehicle (Goods Carriage) bearing Registration No. KA.04/4078 pursuant to the Vehicle Check Report No. 295486, dated 11-11-2004, of the 2nd respondent as illegal, arbitrary and contrary to law and consequently direct the respondents herein to release the said vehicle to the petitioner herein forthwith.

Counsel for the Petitioner : MR.E.MARUTHI RAJA

Counsel for the Respondent Nos.1&2: GOVERNMENT PLEADER FOR TRANSPORT

The Court at the stage of admission, made the following :

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ORDER:

This writ petition is filed by the petitioner to issue a writ of mandamus declaring the action of the respondents in seizing and detaining his light Motor Vehicle (Goods Carriage) bearing Registration No.KA.04/4078 pursuant to the Vehicle Check Report No.295486 dated 11.11.2004 of the 2nd respondent as illegal and consequently to direct the respondents herein to release the said vehicle to him.

The learned counsel for the petitioner contended that if the petitioner is bound to pay any tax to the Government, the same has to be determined by the competent authority and till then, there is no point in keeping the vehicle causing damages. Hence, he prays to grant interim custody of the said vehicle.

On the other hand, the learned Government Pleader opposed the

same on the ground that unless he pay the tax, the vehicle may not be given for interim custody.

The facts are not in dispute. The 2nd respondent vide its proceedings dated 11.11.2004 seized the vehicle of the petitioner bearing No.KA.04/4078, pursuant to the vehicle check report No.295486, for failure of certain conditions of the Motor Vehicle Act. Whether the petitioner has followed any conditions of the vehicle or not has to be decided by the competent authority. Therefore, till then it is not desirable to keep the vehicle idle at a place where the damages will be caused. Hence, the vehicle shall be returned to the petitioner.

In the result, the writ petition is allowed, directing the respondents to grant interim custody of the vehicle on petitioner depositing of Rs.5,000/- (Rupees five thousand only) with the following two conditions:

1. The petitioner shall not alienate or transfer the vehicle;

2. That the petitioner shall produce the vehicle as and when required by the competent authority and that the petitioner shall pay the tax, if any due, as on today.

22.12.2004

To

1 The Regional Transport Officer, Hindpur, Anantapur District.
2 The Motor Vehicle Inspector, Anantapur, Anantapur District.

3. 2 CCs to the Government Pleader for Transport, High Court Buildings, A.P.,

Hyderabad (OUT)

4. 2CD copies